

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,870th Meeting



6:00 p.m. November 4, 2004
COUNCIL CHAMBER, CITY HALL
3900 MAIN STREET

**APPROVED AS PRESENTED AT THE
FEBRUARY 17, 2005 MEETING**

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Stephens

COMMISSIONERS ABSENT: Singletary (business)

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Jenkins, Diane, Senior Planner
Brenes, Associate Planner
Smith, Deputy City Attorney
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Agnew reconvened the Planning Commission meeting.

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H. WORKSHOP

14. **GENERAL PLAN 2025 PROGRAM - WORKSHOP #3:** This workshop will focus on review of the City's updated Zoning Code (Title 19).

Craig Aaron, Principal Planner, introduced Laura Stetson, Cotton Bridges Associates, and welcomed the Commissioners to the third General Plan workshop. He stated that this was a lot of information for the Commission to review and that staff had planned one workshop for each of the major documents. If the Commission would like to have additional workshops, staff could work them in between now and the public hearings scheduled to begin in February, 2005.

Ms. Stetson complimented staff for their hard work on the Zoning Code. She stated that the first two workshops were the foundation for today's meeting. The Zoning Code is the primary implementation tool of the General Plan. She cautioned the Commission and stated that this is still a work in progress project. She stated she would highlight the major changes of the Code and would receive any direction from the Commission on further revisions that should be considered prior to the public hearing. She informed the Commission that the EIR for the document would be going out within the next week or two.

She explained the changes to the zones and existing processes (conditional use, variances, etc). She stated that the intent is to create a streamline and easy to understand process.

Commissioner Densmore inquired whether the revisions to the zones could impact someone's property which would amount to a lessening of their property values.

Ms. Stetson explained that there will be properties where the names of zones will be changing and the use regulations may have changed as well. Staff and the consultants have made an extensive effort to ensure that they are carrying over existing use regulations to the extent the City still feels they are appropriate and work in Riverside. The individual property owners will be notified of the hearing process and this issue is part of the EIR. She also added that there will be properties where the zoning will be changed because a new General Plan designation has been applied and these property owners will also be notified. State law does not require that everyone be notified if a project is affecting more than 1,000 properties but the City will be going to an extra effort to do this.

She continued with her presentation.

Commissioner Norton asked whether the flow chart that will show the process when submitted and as it goes through the planning process, would also have a time element attached to it.

Ms. Stetson replied that the statutory time frames will be included in the flowcharts.

Chair Agnew noted that some of the definitions in the document refer to another document. To be user friendly, he suggested that it would be easier to include the information in this document rather than referring to another document.

Mr. Aaron stated that one thing that is not apparent in the hard copy of the Zoning Code are the hyperlinks to the other documents. One of the reasons they did this is so that when definitions change you do not have to change it in two different documents. It is not uncommon for something to be omitted and/or not all the documents updated. It was staff's intent to leave this like that and utilize the hyperlinks. He stated that staff was open to any suggestions from the commission.

Commissioner Comer expressed his concern regarding warehouse and whole sale distribution where it indicates that more than 10,000 sqft, it will not be permitted in the MP Zone. He asked staff if this would be a problem and whether it should be something that should be changed. He stated that it is not the current land use decision to limit the size of buildings in the MP zone.

Ms. Stetson stated that Commissioner Comer's question is perfect in light of how the Commission is to look at these tables. To a large degree, the tables reflect what current land use practices are in the community, the intent is not create non-conforming uses citywide but where there has been a conscious decision made to affect a change it will be shown on the tables. If the commission sees something that should be discussed, certainly flag it for discussion.

Ken Gutierrez, Planning Director, agreed that Commissioner Comer's comments as exactly what staff is looking for tonight and over the next couple of months. He asked that the Commission bring to their attention any items that may need to be changed. As previously stated, staff will be preparing a report for the Commission for the public hearing process, at this time, the document is a public review draft.

Ms. Stetson continued with an overview focused on the proposed zone changes. She mentioned that the R-2 zone is being deleted as recommended by the City Council.

Diane Jenkins, Senior Planner, stated that staff is researching the R-2 zone properties and identifying those that are appropriate to be downgraded to R-1 and those that need to be zoned R-3. She also indicated that all the property owners will be notified.

Commissioner Norton wanted to make sure that the notices sent out to the residents regarding the zone changes would include someone's name and number to call for more information.

Ms. Stetson continued.

Commissioner Leonard suggested a change to the residential zones. He noted that R-3-1500 is 29 units per acre and R-3200 is 21.8 units per acre and rather than indicating the average lot size, refer to the units per acre. He also questioned why the R-3-4000 was 10.9 units per acre, why not 11 or 10?

Ms. Stetson replied that they would look into the zone designations. She agreed that it was hairs and slivers 10.9 versus 11. She stated that they wanted to ensure that they were not creating non-conformities with the existing R-3 properties.

Commissioner Leonard said that his main point was to designate something simple that is easy to understand at a glance. The designations R-3-4000 did not stand out but the number of units per acre does and may help other users as well.

Commissioner Norton inquired about the overlay zones and whether all zones would have one by the time this went into hearings. She asked if the overlay zone would be specific as to what was or was not permitted in areas.

Ms. Stetson clarified that an overlay zone can be applied to any base zone and could be more or less restrictive depending what the overlay zone was attempting to do. The NC overlay zone will only be applied to particular areas of the city, largely in the CR and CG zones.

She reviewed more of the zone changes. She stated that the BMP zone will replace the M-1 and M-2 zone. There will be some heavier industrial uses that will be eliminated as part of this zoning code update. She suggested that the Commission compare the two Codes and review the changes to the uses. They would appreciate the Commission's feedback and suggestions.

Commissioner Comer noted that there are a lot of things that have been eliminated in the MP zones. He said that the way it has been restructured will significantly prohibit businesses coming into the community.

Ms. Stetson reiterated that they would welcome the Commission's comments and suggestions with regard to any changes. She reviewed the types of overlay zones that could be applied. A new zone they are recommending is a Commercial Storage Zone or Mini Storage Zone. Mini storage uses will require a Mini Storage overlay. This would allow the city to look at each project on a case by case basis as to whether or not a mini storage use is what they want at a particular location.

Commissioner Leonard pointed out that the City has been granting variances like crazy on all of the PRDs, prohibiting things that are mandated such as RV parking. This downsizing in homes has created a need for that service throughout the city. It is not revenue generating but the city is relying on enough of those facilities to be available and properly located to offset the downsizing of the PRDs. He said he would not want to make it prohibitive

Ms. Stetson agreed and noted that this makes it a little tougher but it is not prohibitive. The process allows the City to look at projects on a case by case basis for appropriate locations to put mini storage facilities. If the Commission feels it is too tight and too restrictive, let staff know.

She continued with a review of the Mobile Home Parks Overlay Zone. The Overlay Zone will be applied only to existing mobile home parks. If someone wants to build a new mobile home park the property would have to be rezoned with the Mobile Home Park Overlay so that the appropriate standards for development of the mobile home park would apply.

Commissioner Norton inquired if modular housing was considered a mobile home.

Ms. Stetson replied that modular or manufactured housing is treated the same as any other single family home. If someone wanted to put a modular home within a subdivision, they would be within their rights to do so provided they meet the standards the city has applied for manufactured housing.

Commissioner Densmore asked at what point an allowed usage could be lost due to a subdivision. He sees this happen a lot where ever animal keeping is allowed, the property is subdivided and loses the minimal lot size for animal keeping.

Mr. Aaron stated that as they set up individual workshops, they can go into a lot of these questions in detail. There are some significant changes to the animal keeping section but he did not think there was time to go into that tonight. Staff has made an effort to ensure animal keeping provisions in the RR and RA-5 Zones are maintained. He also added that a new restriction with regard to the number of domestic animals that can be kept has been added. There are a lot of questions that have been brought up tonight and he suggested that staff set up further workshops to go over these issues.

Commissioner Leonard asked why staff did not approach the Overlays as standards that run with CUPs, as with other uses.

Mr. Aaron explained that there are standards that go with the uses. Staff is not going to apply the Overlay Zone at the beginning, if someone wants this facility on a certain lot, they are going to have to apply for the zone change and add the Commercial Storage Overlay Zone. As part of this it will add conditions and in effect, will be similar to a CUP.

Commissioner Leonard asked how staff envisioned the Overlay Zones be applied. Could the overlay be applied on an entire center or only a portion of the center that may have a sensitive use.

Mr. Gutierrez explained that the Overlay Zones are tools that will be available to provide flexibility that is not there today. He gave some examples for using the NC Overlay on commercial property near residential homes. He pointed out that the NC Overlay Zone had certain use restrictions that are designed to make the commercial site compatible with assurances that a project will be a good fit in the neighborhood.

Commissioner Leonard indicated that it appeared to be a means to make a process more restrictive, difficult, time consumptive and costly. The Commission currently has site plan review on commercial projects and how they are arranged next to residential. He questioned whether the use of the Overlay Zone assists in the approval of a certain use but as uses change out, other undesirable uses would continue to be prohibited throughout the life of the project.

Mr. Gutierrez agreed that this was a possibility. He noted, however that the current site plan review cannot get into uses or use restrictions. This is designed, not to be more restrictive but to give the Commission far more flexibility than they had before.

Commissioner Norton inquired if implementing the Overlay Zones would create another level that the applicants must pay a fee for.

Mr. Gutierrez stated that there is a provision in the Code that when you do parallel cases, you do not have to pay two fees.

Ms. Stetson briefed the Commission on process changes and development standards.

Commissioner Leonard inquired about the non-conforming uses that suffer catastrophic events and whether they would be eliminated in the proposed 90 days. Currently if less than 25% of the building is destroyed, they can carry on with the non-conforming right.

Ms. Aaron replied that this portion of the Code was not changing.

Commissioner Densmore asked if he understood correctly that there would be absolute standards for PRDs which developers will be expected to meet.

Ms. Stetson explained that they were design parameters, not absolute standards. It gives the developer a list of criteria that the city is looking for its review of PRDs and the developer must show how that project meets the design criteria and those objectives for high quality design.

Commissioner Densmore inquired if the Code sections had terms, such as adequate open space or actually specified percentages of open space.

Ms. Stetson responded that it would include general criteria and percentages were included.

Mr. Aaron pointed out that there were specific development standards starting on Page IX-51. An applicant can still obtain a variance for these standards.

Ms. Stetson added that the residential standards for single family homes really encourages design amenities. It relaxes some of the standards if the developer is willing to provide some design amenities. There are performance standards that will apply to all zones.

Commissioner Norton suggested that the language be stronger. Riverside is a City that has some great alleys. There are a lot of creative things that can be done by pushing the homes toward the street.

Ms. Stetson stated that it was tough to create those incentives but there are standards here that do allow those types of approaches to develop. The PRD standards would certainly allow that. The complimentary document to the Zoning Code are the Citywide Design Guidelines which will be brought to the Commission within two weeks. These guidelines provide further direction in terms of what the City is looking for in terms of design, not just commercial and industrial but residential projects as well. It speaks toward not just the design of the individual building but site design and site plan. Can incentives be provided, she wasn't sure to what extent other than saying Riverside is a city looking for well designed projects and setting a standard in that regard.

Mr. Gutierrez added that one of the things they tried to do is provide incentives for people to have recessed garages, front porches, etc. by giving them certain things such as encroachments into the front yard setbacks. The other option as Ms. Stetson indicated, is to set up those guidelines and set those standards. Staff's approach was to use the carrot rather than the stick.

Mr. Aaron stated that there is actual specific standards that are set forth which could be stronger, page V-8. There is a section on flexible yard setbacks that would apply to standard single family residential subdivisions. There are also standards specifically geared toward garages on alleys and what the setbacks would be. He felt that there was a lot of criteria built in to encourage the very type of design the Commission would like to see.

Commissioner Leonard stated that he had complimented staff earlier regarding a provision in the Code which the Commission has been struggling with on every PRD. He pointed to page V-9 and the hierarchy of the required type of amenities in open space for the R-3 and R-4 zones. He indicated that this section was at the front of the document while the PRD section was in the back. He asked if a chart would be available that would direct the user to what they need to meet all of the requirements.

Ms. Stetson explained that this was the next step they would be working on. They need to take the standards for the R-3 and R-4 zone that do not necessarily apply to all PRDs. This is something that has not been worked into the PRD.

Commissioner Leonard said it would be helpful to them in reviewing these projects. He suggested that the types of facilities be included as well.

Ms. Stetson reviewed the process for apartments. The new Code requires all apartments in the R-3 and R-4 Zones to be subject to the new Site Plan and Design Review procedures. The Site Plan procedures are outlined in article IX of the Code so that there is a much more stringent review and it is coupled with the much more defined standards for what the city is looking for. This process can apply to condominiums as well.

She summarized that the new chapters are intended to address state law regarding density bonuses. It is something the City currently doesn't have in the Code but is required to meet state law. The new Code is easy to use and a lot easier to understand. The design regulations encourage quality projects by setting up very defined standards and again, it will work in tandem with the Design Guidelines the Commission will be reviewing soon. The new Code will also streamline development project review, which is a business friendly move, as well as implement the bold moves in the General Plan for mixed use and creating places people can walk to. She concluded her presentation and asked if there were any additional questions.

Chair Agnew stated that the Commission needs to individually go through the document and identify the issues that are of concern to them. He asked staff how the Commission should forward their comments to staff. He suggested an additional workshop to provide the Commission with an opportunity to present their issues. He announced that he would give the people in the audience an opportunity to state their comments. He reiterated that this was not a public hearing and that there would be no responses at this time to their comments.

Commissioner Brown suggested polling the Commission to see what their concerns were and to see if there were sufficient issues to schedule work sessions as needed.

Mr. Gutierrez stated that staff would welcome as many workshops as the Commission would like. He agreed with Commissioner Brown in that it would be best to break the issues down into several workshops. The workshops are a way of understanding the Code and sharing their comments with staff. He stated it would be extremely helpful for the Commission to forward their comments and concerns to staff. This would provide staff time to research and address their comments at the workshops.

Commissioner Kurani pointed out that he learns a lot listening to other Commissioner's comments. He stated that it would definitely help to discuss any concerns in a public forum as opposed to just forwarding their comments to staff.

Commissioner Norton suggested e-mailing their concerns to staff so that they can prepare for the workshops. She asked whether the workshops needed to be evening meetings or whether they could be in conjunction with planning commission meetings.

Mr. Gutierrez replied that it was up to the Commission. He reminded everyone that there would not be a quorum for the December 23, meeting.

Mr. Aaron suggested that the workshops' focus start with article V.

Commissioner Leonard pointed out some corrections: Article II-2 does not include the Planning Commission's design review function and Article II-4 should also include the appointment of officers, doesn't reference the appointment of the secretary and sergeant of arms.

Mr. Aaron thanked Commissioner Leonard and stated that these are the type of corrections that can be changed prior to the printing of the next document.

Chair Agnew asked if there was anyone in the audience wishing to speak.

Richard Block, Friends of Riverside's Hills, provided his comments on the RC zone and its relationship to Measures R and C. He pointed out that flag lots cannot be allowed in the RC zone but section 19.630.30 would allow flag lots. He also addressed the number of dwellings for single family lots, page VII-95. He

also addressed the standards for PRDs and noted that they are illegal and contrary to the provisions of Measures R and C. He stated that staff has done an excellent job on the General Plan update.

Arlie Montalvo stated that there are members of the public who are interested in these workshops. She asked if they can also see the Commission's e-mails with regard to the comments and concerns. She would like the public to see the questions and answers.

Commissioner Norton noted that it would be good for the Commission to see the citizen's comments as well.

Mary Humbolt commented on animal keeping in Riverside. She thanked Mr. Aaron for the information regarding this section in the Code. She stated she was opposed to this as Riverside is unique and has been able to keep its agriculture, large lots and allow for animal keeping. She stated that it should not be the trend to abolish the animal keeping and phase it out. She hoped that the Commission and City Council is committed to animal keeping.

Ron Courts made comments with regard to Measures R and C. He has always liked Riverside and wants to make sure Riverside remain the way it has been.

Cecil Green has heard the citizen's comments regarding the rural large lot sizes. One of the biggest problems facing now is smog and what it takes to get through the City. He asked that they really look at the kinds of changes being made so that it doesn't create additional health problems related to smog and traffic patterns.

Sylvia Martin James stated that she was curious as to why there was no in-depth discussion regarding the railroads.

Mr. Gutierrez replied that the railroads are a part of the General Plan and that the Zoning Code does not get into that. He said a copy of the General Plan can be provided to her at the end of the meeting.

I. **ADJOURNMENT:**

Adjournment to the November 18, 2004 meeting at 9:00 am.